LEAGUE OF NATIONS

CHILD WELFARE INFORMATION CENTRE

Summary of the Legislative and Administrative Series of Documents of the Child Welfare Information Centre published in 1938

Geneva, 1939

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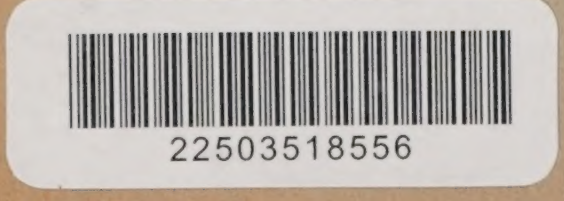
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CHILD WELFARE INFORMATION CENTRE

Summary of the Legislative and Administrative Series of Documents of the Child Welfare Information Centre published in 1938.

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INTRODUCTION

The Child Welfare Information Centre is publishing a series of documents under the description : *Legislative and Administrative Series*. As far as its resources allow, it endeavours to keep the Advisory Committee on Social Questions and the authorities appointed by the Governments as correspondents informed of the legislative and administrative progress made in the different countries in the sphere of maternal and child welfare, and of the training and status of social workers specialising in that sphere. At the end of each year, the Information Centre prepares a summary of the documents published in the series during the preceding twelve months; the present Summary is the second so far published.[1]

The various texts are classified under subjects and the subjects themselves are arranged in alphabetical order. In Appendix II, however, will be found a classification by countries.

* * *

The following are the headings used in classifying the material :

1. Adoption

The two enactments reported both facilitate adoption. That relating to the territory for the seat of Government in Australia establishes the possibility of and lays down conditions for adoption, while that for the United States of Mexico encourages adoption by lowering the age at which persons may become adoptive parents.

2. Centralisation of Child Welfare Work

The Information Centre had already drawn attention a year ago[2] to the appearance of a tendency towards the

[1] The first Summary bore the official number C.73.M.28.1938.IV.
[2] See document C.73.M.28.1938.IV, page 5.

3993.—S.d.N. 1.035 (F.), 1.005 (A.) 2/39. Imp. de l'O. de P. Bruxelles.

centralisation or co-ordination by an official authority of all or certain branches of maternity and child welfare work. It now records the persistence of that tendency. Bolivia and Ecuador both set up in 1937 official centralising authorities, placed, in the first case, under the Ministry of Labour and Social Welfare and, in the second, under the Ministry of Social Welfare. Mexico set up in 1937 a Department for Child Welfare. France organised in 1938 the Permanent General Secretariat of the High Council for Child Welfare, established in 1937 under the chairmanship of the Minister of Public Health.[1]

3. Child Welfare (Codes and General Legislation)

In Switzerland, a new Penal Code (dated December 21st, 1937) was adopted by national referendum on July 3rd, 1938; it is to come into force on January 1st, 1942. The interval of three and a-half years between the date of the referendum and that on which the Code will take effect is designed to allow each canton in the Swiss Confederation to adapt its own legislation to the provisions of the new Federal Code.

The Information Centre has prepared an extract of those articles in the Code which deal with minors and with the family; the extract has been submitted to the competent Swiss authorities for approval.

4. Cinematograph

Steps have been taken in Belgium to facilitate and extend the use of educational and scholastic films, by means of a royal decree specifying the functions of the Educational and Scholastic Cinema Centre of the National Scholastic Museum. A further decree amends, supplements and co-ordinates the provisions relating to the supervision of films for the purpose of determining which films may be shown at performances announced to the public as suitable for families and children.

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[1] See document C.73.M.28.1938.IV, page 14.

5. Demography

Laws aiming at the demographic increase of the nation all include a series of provisions judged to be the most effective for the protection of mothers and infants and of the family. The Italian law described in this Summary is a case in point. The Information Centre is not aware of the enactment in 1938 of other laws of this character.

6. Education and Vocational Training

The Information Centre published the text of the German Law of 1938 concerning compulsory school attendance on the ground that it included provisions affecting abnormal children (see " Protection of Special Categories of Children : *(c)* Physically or Morally Handicapped Children "). In order to enable the reader to place these special provisions within the framework of the general stipulations regarding compulsory school attendance, it was necessary to publish the latter and to summarise them in the present document.

7. Family Welfare

(a) *Civil Status.*

Germany amended and supplemented in 1938 the legal provisions which govern the status of the family, and also supplemented the provisions relating to the legal status of Stateless persons.

(b) *Penal Law.*

The Swiss Penal Code of December 21st, 1937, contains provisions for the punishment of persons guilty of offences against the family.

(c) *Measures of an Economic Character.*

During 1938, Belgium organised the system of family allowances instituted by the Law of June 10th, 1937. Japan adopted in 1937 a law for the creation and operation of a system of assistance to mothers or grandmothers who are in need, are without help and are responsible for the care of small children. Uruguay has adopted a law authorising the constitution of a " Family Fund " which cannot be distrained upon, and which benefits from tax-reductions and various advantages as regards devolution, legal assistance, etc.

8. Health

Ecuador has made regulations for its school health services so as to provide for the protection of the physical and mental health of the teachers as well as of the pupils.

9. Leisure and Recreation

In Belgium, so much importance is attached to open-air games as a means of preserving the physical and mental health of children, that a Royal Decree of 1937 empowers the Minister of Public Health to approve certain playing-fields fulfilling the presented conditions and, in consequence, to make subsidies to them.

In the United Kingdom, an Act of 1938 empowers local authorities to close certain streets to traffic, so that they can be used as playgrounds.

10. Maintenance Contributions

Sweden takes a very broad view of State responsibility towards Swedish children residing in Sweden who cannot be cared for by the persons who would normally be responsible, either because the latter have died or because they are unable to work, and has therefore instituted a special system of pensions, payable out of public funds up to the age of 15.

The same notion of State responsibility forms the basis of an act authorising the advance payment, out of public funds, of the maintenance contribution of any Swedish child domiciled in Sweden whose father is under an obligation to pay such a contribution but has not done so on the due date.

11. Maternity and Infant Welfare

A law was adopted in Columbia in 1938 for the protection of female workers and employees. France has organised in much detail the system of supervision and protection of infants instituted by decree-law in 1935. Sweden, in the conviction that one of the best forms of maternity protection is to make the services of a fully trained midwife available to all mothers, organised during 1937 a system of district midwives.

12. Offences against the Morals of or taking Advantage of the Weakness of Children

The Information Centre reported in its first Summary of the *Legislative and Administrative Series* [1] the creation of courts for the protection of young people in every regional court in Germany. This year, the Centre has circulated a list of the courts which have been so set up under the jurisdiction of courts of first instance and have now begun their work. Additional provisions have also been introduced in Germany to improve the supervision of the issue of passports to girls who are minors and are going abroad to take up employment, or as artists taking part in a tour.

During 1936, the provisions of the Netherlands Penal Code [2] were amended and supplemented with a view to rendering the moral protection of minors more effective. In 1937, the colonies of Curaçao and Surinam also amended and supplemented their respective Penal Codes with the same object.

13. Placing of Children

In France, a Decree of 1938 regulates the protection of children boarded out away from their parents' homes. The *Legislative and Administrative Series* also includes a circular issued by the Baden (Germany) Department of Justice, entrusting official bodies with the direction of the boarding out of children with families.

14. Protection of Special Categories of Children

A. *Neglected or Delinquent Children.*

In its previous summary, the Information Centre stated that " the treatment of neglected or delinquent children " —a problem examined for a period of years by the Child Welfare Committee—" has been the subject of more legislative or administrative measures than any other aspect of child welfare ".[3] The same comment may be made this

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[1] Document C.73.M.28.1938.IV, page 21.
[2] Document C.316.M.212.1937.IV, page 79.
[3] See document C.73.M.28.1938.IV, page 8, section 11.

year : the 1938 *Legislative and Administrative Series* includes nine enactments relating to the existence and procedure of special juvenile courts, the measures they may decide upon and the execution of such measures. Each of these new enactments gives evidence of progress in the understanding of the various aspects of this problem.

(a) *Juvenile Courts.*

Both the Argentine Republic (Province of Buenos Aires) and Guatemala instituted, during 1937, a system of juvenile courts. In the United Kingdom, during 1938, the 1933 Children and Young Persons Act was supplemented on certain points of detail. In Germany, the Youth Office and the authorities acting on its behalf have been given the right to attend hearings in court, even if held *in camera*, in cases of criminal proceedings against minors or in cases in which minors appear, in whatever capacity. The purpose of this decree is to enable the Youth Office to obtain information as to the extent to which the minors concerned have been exposed to moral neglect and to take such measures as may be required. In France, new measures have been instituted in connection with the bringing before the competent court of any public assistance ward who has given serious grounds for complaint.

(b) *Sentences passed on Minors.*

Juvenile courts in New Zealand are no longer permitted to pass sentences of whipping.

(c) *Institutions for Neglected or Delinquent Children.*

A new enactment in Germany provides that minors under 21 years of age shall serve sentences of imprisonment or confinement in special juvenile prisons, except in the case of sentences of imprisonment with hard labour. In the British colony of the Straits Settlements, young persons under 16 years of age are in certain cases to be committed to a place of detention instead of to prison. In Sweden, a Royal Decree makes detailed provision for the administration of prisons for young offenders and for the release of minors on licence.

B. *Children born out of Wedlock.*

In Belgium, a semi-official system of guardianship of children born out of wedlock has been instituted.

C. *Physically or Morally Handicapped Children.*

In Germany, the school inspection authorities are now to designate the special schools to be attended by children who are under a mental or physical handicap. The supervising authorities, jointly with the competent welfare authorities, may also order the placing of such children in suitable institutions, or in families approved for the purpose, if such a course is necessary to ensure their attendance at school.

In Sweden, a royal decree lays down the Government contributions to be made towards the operating expenses of establishments for children suffering from psychopathic and nervous disturbances.

D. *Minors evacuated to Foreign Countries.*

Since September 1938, the Spanish Government, acting through the intermediary of the Spanish consuls in their capacity of children's magistrates, has undertaken the guardianship of Spanish minors evacuated to foreign countries without parents or guardians, or in respect of whom no legal representative was appointed prior to their departure from Spain.

15. Social Service

(a) *Centralisation.*

In Japan, a Ministry of Social Welfare was created in 1938 to centralise all activities relating to public health, social welfare and labour.

(b) *Social Institutions.*

A Japanese Law of 1938 lays down rules applicable to six categories of social institutions as regards the rights of the competent minister and the prefects to intervene in the administration of such institutions and to supervise their activities and management.

(c) *Social Service Workers.*

A circular issued in Germany in 1938 determines the status of social service workers of both sexes. France has instituted a State diploma for hospital nurses and social welfare workers (male and female). In Japan, there was established in 1936 a system of voluntary local welfare officers, who are appointed by the prefectures and whose functions are defined in an imperial ordinance; all expenses in connection with the system are borne by the prefectures.

(d) *Persons in the Care of Social Welfare Services.*

In Germany, the competent authorities have been instructed to supervise the amount of wages paid to persons in the care of social welfare services who have been placed in agricultural undertakings.

16. Testamentary Capacity

In Germany, legislation has been introduced concerning the testamentary capacity of minors.

1. ADOPTION

Australia (Territory for the Seat of Government).

Adoption of Children.—Ordinance No. 2, of February 9th, 1938 (document C.Q.S./P.E./C.I.62, *Legislative and Administrative Series*, 56).

Upon application by any person desirous of adopting a minor who has never been married, the court may make an order authorising the adoption. Except in the case of an application by two spouses jointly, the adoption of a minor by more than one person shall not be allowed.

The ordinance contains restrictions on making adoption orders, and enumerates the matters with respect to which the court must be satisfied, the conditions which the court can impose, the consequences of the adoption as regards the civil status of the adopted child, the effects of adoption orders and provisions as to existing *de facto* adoptions.

More than one successive adoption order may be made in respect of the same minor, and the court can vary or discharge an adoption order subject to such conditions as it thinks fit.

United States of Mexico.

Lowering of the Age at which a Person may adopt.—Decree of February 28th, 1938 (*Diario oficial*, of March 31st, 1938, No. 27, Vol. CVII) (document C.Q.S./P.E./C.I.64, *Legislative and Administrative Series*, 58).

Article I of the decree amends Article 390 of the Civil Code of August 30th, 1928, by lowering from 40 to 30 years the age at which adults in the full exercise of their rights and having no descendants may adopt a minor or a person of full age without legal capacity.

Article II amends Article 923 of the Code of Civil Procedure for the Federal District and Territories so as to bring it into harmony with Article 390, as amended, of the Civil Code.

2. CENTRALISATION OF CHILD WELFARE WORK

Bolivia.

Institution of a National Minors' Welfare Society.—Presidential Decree of June 14th, 1937 (document C.Q.S./P.E./C.I.44, *Legislative and Administrative Series*, 39).[1]

By this decree, a National Minors' Welfare Society is established, with headquarters at La Paz, to exercise State tutelary protection over children and minors in general, and, in particular, deserted children and children born out of wedlock. This society, with its departmental and provincial committees, is under the direct control of the Ministry of Labour and Social Welfare.

The decree details the functions of the Minors' Welfare Society and its departmental and provincial committees, and also the methods to be followed in maternal and child welfare work. It lays down the educational principles to be observed in establishments for the welfare of young people and indicates the method of financing the National Society's work.

Ecuador.

Social Welfare Homes.—Organic Law of October 25th, 1937 (*Registro Oficial* No. 15, of November 12th, 1937) (document C.Q.S./P.E./C.I.61, *Legislative and Administrative Series*, 55).

This law provides that all establishments for the protection, training and education of children and adolescents shall be grouped under the general name of "Social Welfare Homes". They are to be under the control of the Ministry of Social Welfare and attached to the Department of the Director-General of Social Welfare.

The establishment and organisation of official Social Welfare Homes is to be undertaken by the Ministry of Social Welfare. Public and private institutions and pri-

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[1] The text of the decree has been taken from the *Boletín de l'Instituto Internacional de la Protección a la Infancia*, of July 1938, pages 164 to 168.

vate persons remain free to establish Social Welfare Homes, subject to the obligation to inform the Ministry of Social Welfare, and to comply with the regulations embodied in the law and with the schemes of work, regulations and curricula prescribed by the Ministry.

Social Welfare Homes will take charge of children and adolescents at the various stages of their lives, and will strictly observe such an order as will make it possible to give the care and education that are appropriate having regard to the individual and social differences, the psychological characteristics, the tendencies and inclinations and the health of the children. With these ends in view, the Social Welfare Homes are organised into four categories.

The first category includes crèches, orphanages, training homes for children of either sex and agricultural and industrial co-operative colonies for minors who are orphans, in need of protection, or necessitous, or whose parents set them bad examples.

The second category is to consist of all nursery schools that may be established.

The third category includes establishments for re-education for minors between the ages of 10 and 18 years, who are neglected, backward or refractory in respect of education, or who are vagrants or are exposed to moral danger.

The fourth category includes colonies in the mountains and at the seaside for children of either sex who are in a weak, ill-nourished or pre-tuberculous condition.

The law contains provisions concerning the building and administration of the four categories of homes and stipulates how they are to be organised, the way in which the children are to be chosen, the duties and powers of members of the staff, and the way in which the establishments are to be financed.

France.

Organisation of the Administrative General Secretariat of the High Council for Child Welfare.—Presidential Decree of January 17th, 1938 (*Journal officiel of the French Republic*, of January 19th, 1938) (document C.Q.S./P.E./C.I.59, *Legislative and Administrative Series*, 52).

This decree provides for the organisation of the permanent general secretariat mentioned in the Presidential

Decree of September 30th, 1937, which set up a High Council for Child Welfare under the auspices of the Minister of Public Health.

Mexico.

Establishment of a Department for Social Assistance to Children.—Decree of June 22nd, 1937, supplementing the Law on State Secretariats and Departments and setting up a Department for Social Assistance to Children (*Diario oficial*, Sección primera, of the United States of Mexico, No. 43, of June 30th, 1937) (document C.Q.S./P.E./C.I.47, *Legislative and Administrative Series*, 42).

The decree enumerates the divisions of the executive, and modifies the competence of certain of these divisions. It sets up a Department for Social Assistance to Children, and defines its functions, among which may be mentioned : every aspect of prenatal care, the welfare of children of pre-school age, the training of women teachers for pre-school educational centres, the establishment, supervision and control of social assistance services for mothers and children, social insurance for mothers and children, and, generally, the creation, establishment, supervision, control and co-ordination of the social assistance services provided for mothers and children by the Confederation, States, municipalities or private individuals.

3. CHILD WELFARE

(a) CODES AND GENERAL LEGISLATION

Switzerland.

Provisions of the Penal Code of December 21st, 1937, concerning the Protection of Minors (document C.Q.S./P.E./C.I.83, *Legislative and Administrative Series*, 76).

These provisions are classified in the Code under the following headings :

Forfeiture of paternal authority or guardianship (Article 53);

Delinquent minors and those in moral danger (children, young persons and minors between 18 and 20 years of age) (Articles 82 to 100);

Offences against life and against the person (infanticide, abortion, non-punishable interruption of pregnancy, ill-treatment and neglect, overworking of children and subordinates and prevention of alcoholism) (Articles 116, 118 to 121, 134 to 136);

Crimes and offences against liberty (kidnapping) (Article 185);

Offences against morality (indecent assault on children and on minors over 16 years of age, unnatural offences, seduction, professional procuring, encouragement of immorality, traffic in women and minors, obscene publications, and the endangering of minors by immoral pictures or writings) (Articles 191, 192, 194 to 196, 199, 200, 202, 204, 208, 212);

Judicial records (measures taken in regard to young persons) (Article 361);

Procedure in regard to children and young persons (Articles 369 to 373);

Institutions (private institutions, premises for the detention of young persons, federal subsidies and cantonal supervision) (Articles 384 to 388, 391);

Some of the final provisions deal with the abrogation of provisions of the Federal Laws and the revision of Federal Laws (Articles 398*m* and 399*a*).

(b) INFORMATION CONCERNING ENACTMENTS

Canada

The Canadian Welfare Council (Council House, Ottawa) publishes annually a digest of legislation in Canada. It covers the dominion legislation and provincial legislation; the Canadian Welfare Council is usually good enough to forward to the Secretariat of the League of Nations a sufficient number of copies of this digest for annual distribution to the Advisory Committee on Social Questions.

United States of America.

Document C.Q.S./P.E./C.I.71, *Legislative and Administrative Series*, 64.

This note announces the issue of a publication by the Children's Bureau of the United States Department of

Labor (Publication No. 236), containing a summary of laws passed in 1937 on subjects affecting child welfare by the legislatures of forty-three States, Alaska, Hawai and Puerto Rico.

4. CINEMATOGRAPH

Belgium.

Educational and Scholastic Cinema Centre.—Cinema.—Royal Decree of February 4th, 1938 (*Moniteur belge*, No. 64, of March 5th, 1938, page 1252) (document C.Q.S./P.E./C.I.54, *Legislative and Administrative Series*, 48).

The decree specifies the functions of the Educational and Scholastic Cinema Centre of the National Scholastic Museum. The Centre is responsible for facilitating and extending the use of educational and scholastic films, for carrying out all the operations stipulated with a view to the application of the Convention of October 11th, 1933, for facilitating the international circulation of films of an educational character, and for reporting to the Ministry of Education on films to be admitted free of Customs duty, in conformity with the provisions of Article V of the Convention.

The decree also sets up a Council to assist the Centre and to decide on its composition.

Supervision of Cinematographic Films.—Royal Decree of February 25th, 1938, amending, supplementing and co-ordinating the Provisions relating to the Supervision of Cinematographic Films. (*Moniteur belge*, of March 9th, 1938) (document C.Q.S./P.E./C.I.75, *Legislative and Administrative Series*, 68).

A Board responsible for issuing the licences provided for in the Law of September 1st, 1920, authorising the exhibition of films in cinema programmes announced to the public as suitable for families and children, is set up at the Ministry of Justice. The president and members of the Board (and their respective substitutes) are appointed for one year by

the Minister of Justice, who can grant them attendance vouchers. They are eligible for re-appointment. The Board is divided into sections of first instance and into one or more appeal sections. A secretary-accountant, and the officials and other employees required for the work of the Board, are appointed by ministerial decree.

The decree lays down the composition and provides for the functioning of the sections of first instance together with the composition of the appeal section.

Films may be passed by the Board subject to cutting, and the Board indicates the procedure to be followed in such cases. A rejected film may be re-submitted after it has been altered. Applicants for licences are entitled to appeal against the decisions of the sections of first instance.

The decree lays down the conditions governing the exhibition of films to minors under 16 years of age. To facilitate supervision of the way in which decisions of the Board are carried out, the decree grants all serving members (in Greater Brussels) and cantonal delegates of the Board specially appointed by the Minister of Justice, the right of admission to all public cinemas. Finally, the Board has the right to authorise without viewing and subject only to the formalities set out in the decree, the exhibition of films at performances not organised for profit and having an exclusively educational or instructive character. Documentary and news films may be licensed without being viewed.

5. DEMOGRAPHY

Italy.

Demographic Increase of the Nation.—Royal Legislative Decree No. 1542, of August 21st, 1937, XV (*Gazzetta ufficiale*, No. 215, September 15th, 1937, XV, page 3449) (document C.Q.S./P.E./C.I.45, *Legislative and Administrative Series*, 40).

The decree enacts various measures for the demographic increase of the nation.

Chapter I makes provision for family loans granted to promote the founding of Italian families and ensure their development. Such loans are granted by the provinces,

which will make provision for families founded and taking up their residence within their administrative areas. The administration of this service is entrusted to the National Fascist Social Welfare Institute, which supplies to the provinces the requisite funds for that purpose in the form of loans.

Chapter II of the decree deals with taxes. Persons who have five or more living children dependent on them are granted a rebate in respect of the graduated supplementary tax for each child, beginning with the fifth. (Only legitimate children are taken into account.) The tax on bachelors is applied to categories which were previously exempt. Employees and other persons in the service of the State are granted total or partial exemption from various taxes according to the number of their children (school fees, fees for registration and attendance, fees for admission, leaving certificates, matriculation and proficiency certificates). Certain new provisions are inserted in the single text for local finances (see Royal Decree No. 1175, of September 14th, 1931), dealing, *inter alia*, with the minimum for exemption fixed by each commune in respect of house tax and the minimum taxable income; these minimum levels are raised in proportion to the number of the taxpayer's children.

Chapter III of the decree introduces special measures concerning persons in the service of the State and of other public bodies : anticipated granting of periodical increments at the birth of a child, raising of the age limit for admission to public competitive examinations for appointment to posts in the Government administrations in the case of married candidates who have a family, abolition of the constitution of dowry income in the case of officers of the armed forces of the State about to marry, increase of the military allowance granted in certain cases to officers of the Reserve, preference for the granting of loans on the security of pay and for the allocation of dwellings given to the employees with the largest families, and, where the number of children is equal, to those who have been married the shorter time.

Finally, Chapter IV lays down rules for the care of female personnel in the service of State Administrations during pregnancy and confinement.

6. EDUCATION AND VOCATIONAL TRAINING

Germany.

Compulsory School Attendance.—Law of July 6th, 1938 (*Reichsgesetzblatt* I, page 799) (document C.Q.S./P.E./C.I.88, *Legislative and Administrative Series*, 81).

The law lays down a general educational obligation, which involves the attending of a Reich school.

So far as concerns elementary schools, it fixes the normal commencement of compulsory attendance at 6 years of age, the ordinary duration being for a period of eight years.

The law establishes and regulates compulsory vocational training by attendance at such vocational school as is prescribed in each case by the school supervising authorities. The period specified for such attendance is three years, or, in the case of agricultural occupations, two years. Nevertheless, in certain cases, the period may be reduced and the obligation may be cancelled.

Children and young persons capable of education who fail to comply with their school attendance obligations may be taken to school under constraint.

The law further lays down the responsibility of third parties for the fulfilment of obligations in the matter of school attendance, and specifies the penalties applicable to them in certain cases.

7. FAMILY WELFARE

(a) CIVIL STATUS

Germany.

Family Law.—Reich Law of April 12th, 1938, amending and modifying the provisions relating to family law, and concerning the legal position of Stateless persons (*Reichsgesetzblatt* I, page 380) (document C.Q.S./P.E./C.I.60, *Legislative and Administrative Series*, 54).

Document C.Q.S./P.E./C.I.60 (*Legislative and Administrative Series*, 54) contains extracts from this law, which

constitute the series of clauses affecting child welfare selected for publication in the review known as *Deutsche Jugendhilfe* (formerly *Zentralblatt für Jugendrecht und Jugendwohlfahrt*), edition A, May 1938, page 53 *et seq.* The selected provisions relate to :

Exemption from marriage disabilities;
Contestation of legitimacy;
Determination of filiation by means of examinations to determine heredity and race (the law provides for blood-tests for the examination of blood-groups, if such action is necessary to determine the filiation of a child);
The remedying of defects of form in connection with adoption;
Judicial termination of adoption;
Declarations of legitimacy;
The legal position of Stateless persons.

(b) PENAL LAW

Switzerland.

Provisions of the Penal Code of December 21st, 1937, concerning the protection of the family (document C.Q.S./P.E./C.I.83, *Legislative and Administrative Series*, 76).

These provisions relate to the following matters :

Crimes against the family (incest, suppression and falsification of civil status, breach of maintenance obligation, desertion of a woman with child, breach of the duty of bringing up a child, and abduction of a minor) (Articles 213, 216 to 220).

(c) MEASURES OF AN ECONOMIC CHARACTER

Belgium.

Family Allowances—Note for Information.—Document C.Q.S./P.E./C.I.74, *Legislative and Administrative Series*, 67.

This note states that a " Royal Decree organising the system of family allowances established by the Law of June 10th, 1937, for employers and independent workers " was issued on May 12th, 1938, and published in the *Moniteur*

belge, No. 145, of May 25th, 1938. As the decree deals exclusively with the technical organisation of the above system of family allowances, it was not considered necessary to publish the text in the *Legislative and Administrative Series* of the Information Centre's publications, but merely to indicate that it had been issued.

Japan.

Protection of Mothers and Children.—Law No. 19, of March 31st, 1937 (document C.Q.S./P.E./C.I.57, *Legislative and Administrative Series*, 51).

The purpose of the law in question is to assist necessitous mothers who have to provide for children under 13 years of age, and who have no husband or other person to support them. Mothers whose husbands are serving a sentence, or incapacitated by physical or mental infirmity, or have disappeared or deserted them, are deemed for the purposes of the law to have no husband. Grandmothers who have to provide for grandchildren under 13 years of age are assimilated to mothers. Mothers deemed unfit to bring up their children on account of misconduct or for any other reason are excluded from assistance.

By the terms of the law, such assistance, which comprises subsistence, maintenance and education of children, employment or the provision of work at home, medical assistance and, where necessary, funeral expenses, is granted by the mayor or head of the village in which the mother lives, in collaboration with the local welfare officers.

The law defines the cases in which the mayor or head of the village may terminate such assistance, and provides for the application, *mutatis mutandis*, of certain provisions of the Poor Relief Law in respect of costs of assistance and burial and of expenditure occasioned by the work of the local assistance officers and the institutions necessary to the welfare of the assisted mothers and their children. It provides penalties for persons obtaining assistance, or obtaining it for others, fraudulently or in any other unfair manner.

Uruguay.

Constitution of Homesteads.—Law of April 19th, 1938, authorising the constitution of homesteads and laying down the conditions to attach thereto. (*Diario oficial* of the

Republic of Uruguay, No. 9505, May 10th, 1938) (document C.Q.S./P.E./C.I.80, *Legislative and Administrative Series*, 73).

This law authorises the constitution of properties into homesteads, consisting of a dwelling-house or farm-holding occupied or cultivated by the members of the family. Such properties, the value of which must not exceed 5,000 pesos, will be taxed at only 50% of the standard rate, without prejudice to the exemptions provided for in the law on the taxation of immovable property.

The law enumerates the various forms of property included in the homestead which, on the issue of the instrument constituting it, ceases to be liable to forced execution. The law provides for the constitution of a homestead by husband or wife, by both spouses (even if divorced) for the benefit of the children of their marriage still under age (if any), or by grandparents responsible for grandchildren who have no father or mother or grandchildren who have been deserted by their parents. Property mortgaged, attached or the subject of a restrictive injunction or pledged or encumbered with any other manner of charges may not be constituted into a homestead (which may be constituted of one or more properties).

The law lays down the conditions and formalities relating to the constitution of homesteads. It deals with questions connected with their administration, sale or exchange. Finally, it contains provisions concerning the formalities connected with succession, exemptions from duties and taxes and the granting of poor persons legal assistance in connection with applications for the benefits attaching to homesteads.

8. HEALTH

Ecuador.

School Health Service.—Decree No. 9, dated January 26th, 1938, of the Ministry of Public Education establishing general regulations for the School Health Service. (*Registro oficial*, Nos. 96 and 97, of February 18th and 19th, 1938) (document C.Q.S./P.E./C.I.70, *Legislative and Administrative Series*, 63).

This decree determines the organisation and functions of the School Health Service of the Republic, which is to

act as a branch of the Ministry of Public Education from the administrative point of view, while retaining full autonomy in technical matters. It must, however, adapt its activities to the needs and character of the different provinces and work in harmony with all organisations dealing with welfare and social assistance. Its essential aim is to watch over the physical and mental health both of teachers and of pupils. The decree enumerates the main aspects of the health service work. The School Health Service consists of a general directorate with headquarters in the capital and provincial services.

The decree also sets up a School Medical Council, the main duties and powers of which are to propose desirable innovations and reforms to the Ministry of Education and to take decisions on difficulties and abnormal conditions which may arise in any of the Provinces of the Republic.

9. LEISURE AND RECREATION

Belgium.

Physical Education and Sport.—Royal Decree of June 12th, 1937 (*Moniteur belge* of June 21st and 22nd, 1937) (document C.Q.S./P.E./C.I.78, *Legislative and Administrative Series*, 71).

Under this decree, the Minister of Public Health may approve playing-fields created by provinces, communes and associations of communes, and by private organisations of a non-commercial character. The decree states the conditions attached to such Government approval, defines the method of allocating official subsidies and gives indications as to the staff to be attached to playing-fields.

United Kingdom.

Street Playgrounds Act, 1938 (1 and 2 Geo. VI, CH. 37) (document C.Q.S./P.E./C.I.73, *Legislative and Administrative Series*, 66).

The act in question empowers local authorities to close certain streets to enable them to be used as playgrounds. To that effect, it authorises the Council of any county (other than the administrative county of London), metro-

politan borough, county borough, borough or urban district, to make an order prohibiting or restricting the use of any specified road by vehicles, or by vehicles of any specified class or description, either generally or on particular days and during particular hours, provided that the order in question makes provision for permitting reasonable access to premises situated on or adjacent to the road. No such order shall be of any effect until it has been confirmed by the Minister of Transport, who may make any such modifications as he thinks fit. He may at any time revoke, vary or amend the order.

The law lays down the penalties to be inflicted in cases of contravention of an order made under the law. It gives to all councils which are entitled to make an order concerning roads to be used as playgrounds the power to make by-laws authorising the use of the road for that purpose. The Minister of Transport is the confirming authority as respects such by-laws.

10. MAINTENANCE CONTRIBUTIONS

Sweden.

Child Welfare Contributions.—Law No. 382, of June 18th, 1937 (document C.Q.S./P.E./C.I.36, *Legislative and Administrative Series*, 35). (Meddelanden från Kungl. Socialdepartementets Byrå för Fattigvårds- och Barnavårdsärenden, No. 68, October 1937).

This law establishes special contributions from public funds for the maintenance and education, up to the age of 15, of children whose parents, adoptive parents, father, adopter or adopter's spouse have died, or whose father, step-father, mother, adopter or adopter's spouse is incapable of working. As a general rule, children are entitled to contributions only if they are Swedish nationals and habitually resident in Sweden; but the King in Council may, on condition of reciprocity, conclude agreements with foreign countries with regard to the application of this law to their nationals.

The cost of child welfare contributions is borne by the State and the communes, and matters relating thereto are dealt with by the pensions administration and the pensions

boards. The law determines the cases in which contributions are payable, the rate of payment, which varies according to the category in which the child's habitual place of residence is classed, and according to the annual income of the mother or of the person incapable of work, the combined income of the spouses if the latter is married, or the income the child might have over and above what it might gain by work. The contribution is increased until the end of the month in which the child attains the age of 2 years.

The law determines the methods of payment and the procedure to be followed in making application for a child welfare contribution. The right to contributions of this kind is inalienable, so that they cannot be seized in satisfaction of debts.

Advance Payments of Maintenance Contributions for Children.—Law No. 383 of June 18th, 1937 (Meddelanden från Kungl. Socialdepartementets Byrå för Fattigvårds- och Barnavårdsärenden No. 68, October 1937) (document C.Q.S./P.E./C.I.37, *Legislative and Administrative Series*, 36).

The law authorises in certain cases an advance payment of maintenance contribution to any child up to the age of 16 years whose father is liable, under a decision of the court or a written agreement, to pay maintenance contribution. The advance may be applied for if the maintenance contribution has not been paid on the date on which it was due. The law provides that such an advance payment shall be granted, in principle for one year, out of public funds by the Child Welfare Council in the commune where the child's mother was last registered, or, if there is no such place of registration, in the commune where the child habitually resides. The provisions in this connection shall not apply, however, to a child whose mother lives with the child's father.

Only children who are Swedish nationals and who are domiciled in Sweden are entitled to such advance payments, but the King in Council may, on condition of reciprocity, conclude agreements with foreign countries with regard to the application of the present law to their nationals.

The law fixes the methods of making advance payments.

It specifies the annual rates of payment, which vary according to the number of children, the different categories of places of residence, and the mother's income, or the mother's together with her husband's if she is married. It mentions the cases in which advance payments are not made (admission of the child to a general educational institution or penal institute). It also specifies the cases in which the request for an advance payment may be refused or stopped, and makes provision for repayment.

11. MATERNITY AND INFANT WELFARE

Colombia.

Maternity Welfare.—Law No. 53, of April 22nd, 1938. (*Diario oficial,* April 29th, 1938) (document C.Q.S./P.E./C.I.65, *Legislative and Administrative Series,* 59).

This law provides for holidays for women during confinement, prohibits the dismissal of a female employee or worker on account of pregnancy or lactation, fixes the special indemnity payable to a woman dismissed without good reason three months before or after confinement, grants every mother who is a worker or employee intervals of freedom to feed her child and specifies the special consideration to which an expectant mother is entitled in her occupation. The law lays down penalties for any breach of its provisions.

France.

Organisation of Infant Welfare Services.—Decree dated September 1st, 1938 (*Journal officiel* of the French Republic, of October 22nd, 1938, page 12199) (document C.Q.S./P.E./C.I.84, *Legislative and Administrative Series,* 77).

This decree deals with the organisation of the Infant Supervision and Protection Services established by the Decree of October 30th, 1935, amending the Law of December 23rd, 1874, relating to the protection of infants. (*Official Journal,* of October 31st, 1935). In the Department of the Seine, these Services are entrusted to the Director of the General Public Assistance Administration, and, in the other Departments, to the prefects.

The decree lays down the methods of supervision and the composition and activities of the departmental committees; it specifies the duties of the medical inspectors. It also contains a statement of the obligations of wet-nurses, dry-nurses or custodians, of directors of employment agencies and of agents for the placing of children; it lays down the form of declarations, certificates, registers and other documents provided for in the Decree-law of October 30th, 1935, chief among which are the development chart, the declaration required from any person placing a child out to be nursed, weaned or cared for, the declaration required from any person taking a wet-nurse into the house, the certificate issued by the mayor to any person wishing to board an infant, or one or more children to be weaned or cared for, and the register to be kept by the directors of employment agencies and persons boarding wet-nurses.

Sweden.

Organisation of the Service of District Midwives.—Law of June 4th, 1937 (*Svensk Författningssamling*, No. 298, 1937) (document C.Q.S./P.E./C.I.66, *Legislative and Administrative Series*, 60).

By the above law, the Kingdom is divided into midwifery districts, each having at least one resident district midwife. The division of the territory into districts is carried out by the Medical Board, which determines the number of midwives for each district in accordance with the proposals of the midwifery boards. It may also declare that a town which is not attached to a provincial council is to be excluded from the division into districts, provided that such town has entered into an agreement with a sufficient number of midwives who are to serve as district midwives.

In each division of a provincial council and in each town not attached to a provincial council but included in the division of districts, there must be a midwifery board to deal with matters concerning the profession of midwifery in the said division or town. Each division of a provincial council must have one or more reserve midwives.

The law lays down the professional duties of district and reserve midwives. It makes provision for both categories as regards payment in cash, perquisites and travelling allowances.

12. OFFENCES AGAINST THE MORALS OF OR TAKING ADVANTAGE OF THE WEAKNESS OF CHILDREN

Germany.

Courts for the Protection of Young People.—Order of the Reich Minister of Justice dated September 1st, 1937 (3230/1 - III.a^4 995; *Deutsche Justiz*, page 1339), containing a list of courts for the protection of young people (document C.Q.S./P.E./C.I.58, *Legislative and Administrative Series*, 53).

This decree contains the list of courts for the protection of young people, set up under the jurisdiction of the courts of first instance, which came into operation on September 1st, 1937. There are fifty-one of these courts.

Issue of Passports to Minors.—Circular from the Ministry of the Interior of the Reich and of Prussia, dated December 21st, 1937 (Pol. S - V6 - 2591/37 - 451 - N) amending the additional provisions of §12 of the Decree of June 7th, 1932, concerning passports (*RMBLi.V.* 1937, page 2027) (document C.Q.S./P.E./C.I.42, *Legislative and Administrative Series*, 34).

The circular instructs the competent authorities to ascertain, before issuing passports to girls under age going abroad as artistes taking part in a tour, that the personal character of the manager or the nature of the undertaking does not give rise to any objections. For this purpose, the Reich Central Office for the Campaign against International Traffic in Women, which is attached to the Reich Criminal Police Office at Berlin, should be consulted.

The circular also states that one of the main emigration consultation services of the Reich and the Reich Central Office for the Campaign against the International Traffic in Women should be consulted when girls under age, unaccompanied by adult members of their family, have to travel with a view to taking up any form of employment abroad.

Netherlands.—Colonies.

Curaçao

Offences against the Morals of Children.—Ordinance of January 18th, 1937, amending and amplifying the provisions of the Penal Code of the Colony of Curaçao concerning offences against morals, for the better protection of minors (*Publicatieblad*, No. 89, 1937) (document C.Q.S./P.E./C.I.72, *Legislative and Administrative Series*, 65).

The ordinance prescribes terms of imprisonment of from three to six years for any person who persuades or incites a minor to commit immoral acts with him or with a third person, by promises of gifts of money or in kind, by deceit, or by abuse of authority resulting from relationship, guardianship, custody, official rank or professional position.

Further, the ordinance provides that any person who knowingly offers, gives or lends, hands over, or shows to a minor under the age of 18, any obscene writing, picture or object, or any contraceptive or means of procuring abortion, or any person who reads out the contents of an obscene writing in the presence of such a minor, shall be punished by imprisonment or detention in custody for a term not exceeding six months or a fine not exceeding 600 florins.

Any person who publicly exhibits, offers or displays any writing, picture or object likely to excite the sensuality of the young, or publicly reads out any writing likely to have the same effect, is liable to be punished by detention in custody for a term not exceeding two months or by a fine not exceeding 200 florins.

Surinam

Offences against the Morals of Children.—Ordinance of April 5th, 1938, amending and amplifying the provisions of the Penal Code of the Colony of Surinam concerning offences against morals, for the better protection of minors (*Official Journal (Gouvernementsblad)* of Surinam, No. 36, 1938) (document C.Q.S./P.E./C.I.56, *Legislative and Administrative Series*, 50).

The ordinance provides for terms of imprisonment ranging between three and six years for any person inducing

or inciting a minor to commit immoral acts with him or with a third person deceitfully or by promises of gifts of money or in kind, by abuse of authority resulting from relationship, guardianship or custody, or from official rank or professional position.

The ordinance also provides that any person who knowingly offers, gives or lends, hands over or shows to a minor under 16 years of age any obscene writing, picture or object, or any contraceptive or means of procuring abortion, and any person who, in the presence of such a minor, reads out the contents of an obscene writing, shall be punished by imprisonment for a term not exceeding six months, or a fine not exceeding 600 florins, or detention in custody for a term not exceeding three months.

Any person who publicly exhibits, offers for sale or displays any writing, picture or object likely to excite the sensuality of the young, or who publicly reads out the contents of any writing likely to produce the same effect, shall be punished by detention in custody for a term not exceeding two months or by a fine not exceeding 200 florins.

13. PLACING OF CHILDREN

France.

Protection of Children placed out away from their Parents' Homes.—Decree of June 17th, 1938 (*Journal officiel* of the French Republic, of June 29th, 1938) (document C.Q.S./P.E./C.I.63, *Legislative and Administrative Series*, 57).

The decree places under the protection of the public authority all children not protected by the Law of December 23rd, 1874, but below compulsory school age, when they are placed for payment, singly or with others, away from the home of their lineal ascendants, collateral guardians, or relatives to the fourth degree.

The prefect is responsible for the supervision of such placing-out.

The conditions to be complied with to obtain an authorisation to provide board and lodging for minors and the composition of the departmental supervisory bodies are specified in the decree.

Penalties are provided for any breach of the provisions of the decree (imprisonment of from one day to one month and a fine of from 25 to 2,000 francs, or one of these two penalties only).

Germany.

Protection of Children boarded out of their Families.— Circular of the Baden Department of Justice, dated August 2nd, 1938, No. 23031 (*BAVBl.*, page 921) (document C.Q.S./P.E./C.I.87, *Legislative and Administrative Series*, 80).

This circular instructs the Divisional Headquarters of the National Socialist People's Welfare Organisation to undertake the provision of foster-homes and their inspection, and to notify the results of this inspection to the Youth Office, which is competent to issue permits for keeping foster-children and to withdraw such permits. The supervision of foster-children who have not completed their second year remains in the hands of the Youth Office, and that of children of more than two years is placed in the hands of the Divisional Headquarters of the National Socialist People's Welfare Organisation. In the case of any complaint being made, the Youth Office must carry out an inspection of the foster-home, and see that all foster-children under school age are taken not less than once a year to the State Public Health Office or to a local consulting centre for examination.

14. PROTECTION OF SPECIAL CATEGORIES OF CHILDREN

(a) NEGLECTED OR DELINQUENT CHILDREN

Argentine Republic.

Institution of Juvenile Courts.—Law No. 4664, of December 21st, 1937, instituting Juvenile Courts in the province of Buenos Aires (*Revista Parlamentaria*, No. 73, April 1938) (document C.Q.S./P.E./C.I.82, *Legislative and Administrative Series*, 75).

By this law, a juvenile court consisting of a single magistrate is set up in the chief town of each judicial area.

The courts are entrusted to stipendiary magistrates who must be qualified lawyers, married, at least 30 years of age and specialised in the subject. Their appointments and dismissals are effected in accordance with the constitutional requirements regarding other magistrates of the first instance.

Juvenile courts are competent in all cases where minors under 18 appear as perpetrators of, or accomplices in, an offence to order measures for their punishment and correction. They are further competent in cases where minors require protection owing to incapacity, serious neglect or bad conduct on the part of their parents, guardians or custodians, or where they have to be defended against third parties infringing the legal provisions on education or labour, or where orphans and other minors in moral danger require protection, or where misbehaviour by minors obliges their parents or guardians to have recourse to the judicial authorities for their correction.

Juvenile courts may order the provisional release on bail of a minor who is brought before them, or may entrust him to the care of an institution supervised by the General Child Welfare Administration, or leave him in the hands of his parents, guardians or custodians.

In regard to judgments, should there be a conditional sentence, the court may have the minor placed in an establishment under the authority of the General Child Welfare Administration. When a minor has been sentenced to imprisonment, he must serve his sentence in a special establishment under the Administration. In cases of acquittal, the court may exercise control over the minor for an indefinite period, and in certain cases up to the age of 21. The court may likewise sentence parents, guardians or custodians found guilty of ill-treating or of seriously or continually neglecting the minors in their charge in such a way as to constitute an offence.

The law determines the possibility of appeal, together with the procedure to be followed in all matters connected with juvenile courts.

United Kingdom.

Children in Moral Danger.—Children and Young Persons Act, 1938 (1 & 2 Geo. VI, cap. 40) (document

C.Q.S./P.E./C.I.76, *Legislative and Administrative Series*, 69).

The object of this law is to supplement, on certain points of detail, the Children and Young Persons Act, 1933. It enlarges the powers of juvenile courts in respect of the various groups of young persons of either sex brought before them; it amends certain clauses of the Education Act, 1921, concerning children's non-compliance with school attendance orders, and makes certain changes in the constitution of juvenile courts in the metropolitan police court area.

United Kingdom.—Colonies.

Straits Settlements

Establishment of Places of Detention for Children and Young Persons.—Ordinance No. 46 of 1937, *Straits Settlements Government Gazette*, December 31st, 1937, page 3871 (document C.Q.S./P.E./C.I.55, *Legislative and Administrative Series*, 49).

The Children and Young Persons (Places of Detention) Ordinance, 1937, provides that children under 14 and young persons under 16 years of age who are males, shall be committed to a place of detention instead of to prison in the following cases :

(1) When they are arrested and not released on bail.
(2) When they are remanded in custody.

In these two cases, an exception may be made if the officer in charge of the police station certifies, or the court decides, that such detention is impracticable, that the person arrested is of so unruly or depraved a character that he cannot be safely detained or that, owing to his state of health or mental or bodily condition, it is inadvisable to detain him.

(3) When they are committed for trial by a Court.

An exception may be made in the case of a minor between the ages of 14 and 16 who is unruly or depraved.

In such a case, he must be remanded in custody or committed to prison.

The ordinance lays down that such place or places of detention as may be required will be provided or appointed by the Governor in Council. In selecting the place of detention, the court or police official will have regard to whether it is suitable for the purpose, and the Governor will be responsible for its inspection. The expenses incurred in respect of such places of detention, including the expenses of the maintenance of any child or young person detained therein, will be defrayed out of the general revenue.

The Governor in Council may make rules for carrying this ordinance into effect.

France.

Children in Moral Danger.—Presidential Decree of May 6th, 1938, concerning refractory or depraved wards of the Public Assistance Authorities (*Journal officiel* of the French Republic, June 16th, 1938) (document C.Q.S./P.E./C.I.81, *Legislative and Administrative Series*, 74).

This decree deals with the right of the prefect, in his capacity of guardian, to bring before the competent court any public assistance ward who has given very serious grounds for complaint. In urgent cases, the prefect of the department where the school is situated in which the ward has previously been placed in virtue of Article 1 of the Law of June 28th, 1904, also has this right.

The court, having had the case referred to it under the conditions laid down by the decree, takes a decision concerning the placing of the ward, and, if necessary, entrusts him for a period not exceeding six months to a qualified organisation, or, failing such, to the penitentiary administration. After each period of six months, if his conduct has not improved, the court takes a decision as to his disposal in accordance with the same procedure and under the same conditions. The prefect, in his capacity of guardian, has the right, according to the results obtained, and on the proposal of the Inspector of Public Assistance. to have the ward withdrawn at any time, even before the expiry of the period fixed by the court.

The decree contains provisions relating to wards entrusted to qualified organisations and institutions, and to those handed over to the penitentiary administration.

Germany.

Execution of Sentences on Juvenile Prisoners.—Executory Regulations of the Reich Ministry of Justice of March 2nd, 1938, 4412.III.S[1], 271, in amendment of the Executory Regulations of January 22nd, 1937 (*Deutsche Justiz*, page 369) (document C.Q.S./P.E./C.I.52, *Legislative and Administrative Series*, 47).

Under §1, paragraph 2, of the Regulations, persons sentenced to imprisonment with hard labour *(Zuchthausstrafe)* shall not be subject to the special penitentiary regime of juvenile prisoners.

§3, paragraph 1, also lays down that sentences of imprisonment *(Gefängnisstrafe)* and police sentences of confinement *(Haftstrafe)* passed on minors who, on beginning to serve the sentence, have not completed their 21st year, shall be served in juvenile prisons if the convicted person has to remain not less than one month in confinement. The same applies to shorter sentences of imprisonment and police sentences of confinement additional to the sentences mentioned above.

Protection of Children who are abandoned or in Moral Danger.—General Decree of the Reich Ministry of Justice, dated August 13th, 1938 (4210-III.a[4], *Deutsche Justiz*, 1938, No. 33, page 1295) (document C.Q.S./P.E./C.I.86, *Legislative and Administrative Series*, 79).

This decree gives the Youth Office and the authorities acting on its behalf the right to attend hearings in court, even if held *in camera*, in cases of criminal proceedings against minors or in cases in which minors are concerned as witnesses or injured parties, or in any other capacity. The purpose of this provision is to enable the Youth Office to obtain information as to the extent to which minors who are charged or subpœnaed as witnesses have been exposed to moral neglect and to enable the Office to take such measures as may be required.

Guatemala.

Juvenile Courts.—Law of November 15th, 1937 (*Diario de Centro America*, Volume XXI, No. 20, November 18th, 1937) (document C.Q.S./P.E./C.I.46, *Legislative and Administrative Series*, 41).

By the terms of this law, minors under 15 years of age accused of any offences or misdemeanours *(faltas)* will come exclusively before special courts.

These juvenile courts are to be presided over by judges of first instance of the criminal branch, and are to include four other persons nominated by the Department of the Interior and Justice, over 25 years of age, resident in the town where the judges sit, of good reputation, and regarded as suitable for such duties. The law fixes the procedure to be followed, and authorises the court to decide on and enforce the following measures, according to the case :

In the case of minors between 10 and 15 years of age who are profoundly depraved or admittedly dangerous, confinement in a disciplinary reformatory for minors only; in other cases, admonition, internment in an educational establishment, placing in charge of their parents or in a family of recognised respectability, under official supervision, or placing in an instructional establishment.

Juvenile courts are also empowered to take such measures as may conduce to the removal of the causes which led to the commission of the acts in the various cases brought before them.

If absolutely necessary, the judicial authorities may order the detention of a minor under 15 years of age, but such detention may not be in common prisons, and in the absence of an appropriate establishment the minor is to be released on bail to the care of his own family or to trustworthy persons.

Conflicts of jurisdiction between juvenile and ordinary courts are to be resolved by the competent chamber of the court of appeal, or, where necessary, by the Supreme Court of Justice, in accordance with the provisions of the constitutive law of the judiciary.

New Zealand.

Corporal Punishment.—Amendment to the Statutes (No. 58, of 1936) abolishing whipping inflicted by order of the Children's Courts (document C.Q.S./P.E./C.I.35, *Legislative and Administrative Series*, 32).

Under the terms of this amendment, the punishment of whipping shall not be inflicted on any child or young person by order of a children's court established under the Child Welfare Act of 1925, notwithstanding anything to the contrary in the Justices of the Peace Act of 1927 or in any other act.

Sweden.

Prison System in the case of Youthful Offenders.—Royal Decree No. 135 of April 8th, 1938, governing the care and treatment of persons sentenced to detention in a prison for youthful offenders (*Svensk Författningssamling*, Nos. 115 and 116, of April 12th, 1938) (document C.Q.S./P.E./C.I.79, *Legislative and Administrative Series*, 72).

The decree is divided into three chapters.

The first deals with the physical, mental and moral care and treatment to be given by the establishment to its inmates; it enumerates the punishments which may be inflicted on them for breaches of the rules; and it provides for labour bonuses.

The second chapter deals with the care of inmates to be released on licence by the Youthful Offenders' Prison Board; the Board determines the conditions of release and arranges for the minor's supervision to prevent his relapse into evil ways.

The third chapter relates to the duties of the Youthful Offenders' Prison Board, which include visiting the prisons, examining proposals for release on licence submitted by the director of the establishment or by a member of the Board, and controlling the supervision of those released on licence.

(b) CHILDREN BORN OUT OF WEDLOCK

Belgium.

Guardianship of Natural Children.—Law of March 7th, 1938 (*Moniteur belge*, No. 71, of March 12th, 1938, pages 1408-1409) (document C.Q.S./P.E./C.I.43, *Legislative and Administrative Series*, 38).

This law inserts various new provisions in the Belgian Civil Code concerning the registration of the birth of a natural child (Article 57 *bis*), the guardianship of natural children (Article 396 *bis*) and the choice of a guardian (Article 401 *bis*). Furthermore, Article 405 of the Civil Code is supplemented by provisions specifying additional cases in which a family council convoked by a Justice of the Peace is to appoint a guardian; the duties conferred on the guardian thus appointed will come to an end if the child is acknowledged voluntarily, subsequent to his appointment.

(c) PHYSICALLY OR MORALLY HANDICAPPED CHILDREN

Germany.

Compulsory School Attendance.—Law of July 6th, 1938 (*Reichsgesetzblatt* I, page 799 (document C.Q.S./P.E./C.I.88, *Legislative and Administrative Series*, 81).

Children who are under a mental or physical handicap are required to attend the special schools appropriate to their case, which will be designated by the school inspection authorities. The conditions relating to age and the duration of school attendance (compulsory school attendance normally begins at the age of 6 and lasts 8 years) will vary in such cases. Furthermore, the law lays down that if, in order to secure the school attendance of such children, it is necessary to place them in suitable institutions or homes, or in suitable families, such a course may be ordered by the school inspection authorities jointly with the competent welfare authorities. The latter will be

responsible for carrying out such measures in conformity with the provisions concerning compulsory assistance.

Children incapable of receiving education may be exempted from compulsory school attendance.

Sweden.

Government Contributions to the Operating Expenses of Establishments for Children suffering from Psychopathic and Nervous Disturbances. Royal Decree of June 4th, 1937 (*Saml. av. förf., etc., Ang. Medicinalväs*, 1937, A. No. 70) (document C.Q.S./P.E./C.I.68, *Legislative and Administrative Series*, 62).

This decree lays down the conditions governing the grant of Government contributions to the operating expenses of establishments maintained by child welfare societies, or by associations or foundations for psychopathic or neuropathic children.

The grant, which is payable quarterly and is to amount to 2 crowns per day per inmate, will be made only to establishments which after inspection by the Medical Administration have been approved for the above purposes, and if the establishment in question is found to answer to a genuine need.

(d) MINORS EVACUATED TO FOREIGN COUNTRIES

Spain.

Guardianship of Minors evacuated to Foreign Countries.— Decree of September 7th, 1938 (*Gaceta de la República*, No. 251, September 8th, 1938, page 1126) (document C.Q.S./P.E./C.I.77, *Legislative and Administrative Series*, 70).

This decree declares that Spanish minors who have been evacuated to foreign countries, and whose parents or guardians are within the national territory, or in respect of whom no legal representative was appointed prior to their departure from Spain, are under legal guardianship. Such guardianship is assumed by the Spanish State, which exercises it with application in each case of the relevant civil status of minors; it is organised by the Ministry of Justice and exercised through the inter-

mediary of the Spanish consuls acting in their capacity of children's magistrates. Relations with the authorities of the country concerned will be maintained through the diplomatic and consular representatives. In regard to the education and assistance of the said minors, the Ministries of Education and of Labour and Social Assistance will continue to discharge such duties as come within their competence.

15. SOCIAL SERVICE

(a) CENTRALISATION

Japan.

Establishment of a Ministry of Social Welfare.—Imperial Ordinance No. 7, of January 10th, 1938 (document C.Q.S./P.E./C.I.48, *Legislative and Administrative Series*, 43).

This ordinance makes the Minister of Social Welfare responsible for questions concerning public health, social institutions and labour. It determines the composition of the Ministry of Social Welfare and the functions of each of its five offices (offices of public health, hygiene, prophylaxis, social office and labour office). The ordinance defines the duties of the personnel of the various services. It announces the abolition of the social office attached to the Ministry of the Interior.

(b) SOCIAL INSTITUTIONS

Japan.

Social Institutions.—Law No. 59, of March 31st, 1938 (document C.Q.S./P.E./C.I.50, *Legislative and Administrative Series*, 45).

This law begins by defining the categories of institutions to which it applies. It then deals with the rights and prerogatives of the competent minister and the prefects with respect to the activity, administration and supervision of social institutions, the conditions attached to any collection of subscriptions on behalf of such institutions, the exemptions granted in certain cases from taxes and prefectoral or municipal levies, the allocation of Government subsidies and cases in which such subsidies may be suspended or required to be repaid.

The law fixes the penalties applicable to breaches of its provisions. It mentions a Central Commission for Social Institutions and provides that the statute of this commission shall be issued by imperial ordinance.

(c) SOCIAL SERVICE WORKERS

Germany.

Status of Communal Social Workers.—Circular of the Reich Minister of the Interior and the Reich Minister of Finance, dated May 20th, 1938 (*RMBLi.V.* page 905) (document C.Q.S./P.E./C.I.89, *Legislative and Administrative Series*, 82).

This circular contains instructions concerning the status of communal social workers (of either sex) employed in the health and social assistance services and in the youth welfare organisation. It specifies the cases in which they shall have the status of officials, and those in which they may only be given the status of employees. The inspection authorities are requested to ensure that the instructions contained in the circular are complied with whenever new posts are created. The status of persons already in the service when the circular was issued is not affected.

France.

Institution of State Diplomas (Ordinary and Higher) for Hospital Nurses and Social Welfare Workers (Male and Female).—Decree of February 18th, 1938 (*Journal officiel* of the French Republic, February 19th, 1938) (document C.Q.S./P.E./C.I.67, *Legislative and Administrative Series*, 61).

Part I of the decree institutes a diploma for hospital nurses (male and female) and a diploma for State social welfare workers (male and female). The period of training is two years for the former and three years for the latter. Certain exemptions from training are granted to holders of the nurses' diploma who wish to obtain the social welfare workers' diploma, and *vice-versa*. The decree lays down the conditions for permission to enter for the training, the way in which teachers are to be appointed, and the relation between the training curricula of the two

branches. It makes the Minister of Public Health responsible for fixing the conditions under which schools are approved for the purposes of training, and for the curriculum, the organisation of probationary employment, the organisation of the examinations and the award and continuation of bursaries. The decree also states what rights are conferred by the diplomas.

Part II of the decree institutes a higher diploma for hospital nurses and State social welfare workers (male and female), which can be awarded after a year of additional training to persons who have held a State diploma for more than five years, who submit evidence of service of at least three years and who are not less than 30 years of age and have obtained a favourable advisory opinion from the authorities to which they are or have been subordinate. The Minister of Public Health determines the composition of the Examining Board which awards the diploma and he appoints its members. He awards bursaries to candidates who have been allowed to take the entrance examination for higher social service schools. The number of places at such schools is restricted to the number of bursaries available.

The higher diploma is a prior qualification for the post of director, inspector or any other similar senior post in any public establishment or any private establishment wholly or partly supported by private funds collected with the assistance or permission of public bodies.

The decree allows the French Red Cross to retain the right to issue certificates or licences for Red Cross nurses, such certificates or licences remaining distinct from the official diplomas and conferring only limited rights.

The end of the decree contains a number of transitional provisions.

Japan.

Organisation of a System of Local Welfare Officers.— Imperial Ordinance No. 398, of November 13th, 1936 (document C.Q.S./P.E./C.I.49, *Legislative and Administrative Series*, 44).

This ordinance establishes a system of voluntary local welfare officers responsible for the distribution of relief to

necessitous persons and for affording them moral guidance in a spirit of solidarity. These officers are appointed for a period of four years, on the recommendation of the Commission for the Appointment of Local Welfare Officers, by each prefecture, which also assigns to them their respective areas.

The ordinance defines the functions of local officers and the method of co-ordinating their activities. It provides for the setting-up by each prefecture of a council on the work of local welfare officers, to advise the prefect and act as a centre for liaison and supervision in respect of enquiries and discussions on this subject; its organisation is to be determined by the Minister of the Interior.

The ordinance lays down that all expenses in connection with the system shall be borne by the prefecture.

(d) PERSONS IN THE CARE OF SOCIAL WELFARE SERVICES

Germany.

Payment for the Labour in Agricultural Undertakings of Persons in the Care of Social Welfare Services.—Circular of the Reich and Prussian Minister of Justice, dated March 23rd, 1938—VW 2459/17.12.37.II (*Reichsministerialblatt*, page 535) (document C.Q.S./P.E./C.I.51, *Legislative and Administrative Series*, 46).

The circular requests the authorities responsible for the instructional training of persons in the care of Social Welfare Services to arrange in all suitable cases for the payment of wages, as fixed by the Labour Trustee, to such persons placed in agricultural undertakings.

Furthermore, the circular prohibits the placing of such persons with employers who are unwilling to pay the customary wage, or who use them for the purpose of lowering wages or as stopgaps. It does not permit exceptions to this rule unless the working capacity of the person concerned is reduced.

16. TESTAMENTARY CAPACITY

Germany.

Testamentary Capacity of Minors.—Law on the making of Testaments and Testamentary Contracts of July 31st, 1938 (*Reichsgesetzblatt*, 1938, I, page 973) (document C.Q.S./P.E./C.I.85, *Legislative and Administrative Series*, 78).

This law includes certain provisions specifying the conditions under which a minor over 16 years of age may be allowed to make a will; he may do so without the assent of his legal representative, but can make only a " public " testament which must comply with certain conditions as to its form. A minor may not witness the making of a will.

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